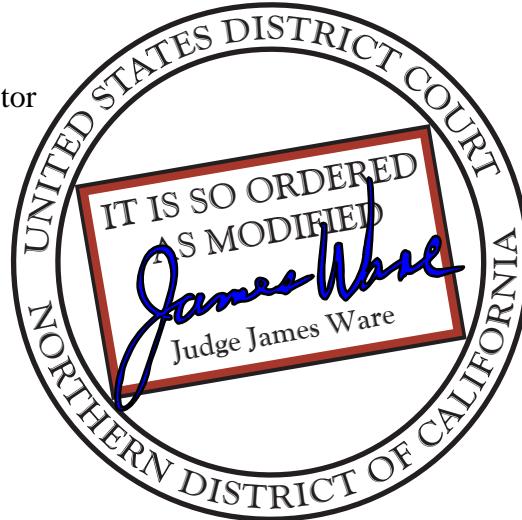


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15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 HILDA L. SOLIS, Secretary of Labor,
20 United States Department of Labor,

21 Plaintiff,
22 vs.

23 VIGILANCE, INC., a forfeited foreign
24 corporation, and VIGILANCE, INC.,
401(k) PLAN, an employee benefit plan,

Defendants.

Case No. CV 08-5083 JW (PVT)

SECRETARY'S EX PARTE
APPLICATION TO RESET INITIAL
CASE MANAGEMENT CONFERENCE
AND ADR DEADLINES

17 COMES NOW, Plaintiff Hilda L. Solis, the Secretary of Labor, United States
18 Department of Labor, and pursuant to Rules 6(b) and 7(b) of the Fed. R. Civ. P., respectfully
19 files this Ex Parte Application to Reset the Initial Case Management Conference and ADR
20 Deadlines established by the November 7, 2008, Order. As grounds for this Application,
21 Plaintiff states the following:

22 1. The Plaintiff filed her Complaint in this case on November 7, 2008. On
23 December 9, 2008, the Plaintiff filed an Ex Parte Application for Order to Serve Process on
24 the California Secretary of State.

25 *Solis v. Vigilance, Inc., et al.*, Case No. CV 08-5083 JW (PVT)
Secretary's Ex Parte Application To Reset Initial Case
Management Conference and ADR Deadlines

1 2. On December 30, 2008, the Court granted the Plaintiff's Application, and on
2 January 6, 2009, the Plaintiff served a Summons and Complaint on the California Secretary
3 of State on behalf of each Defendant.

4 3. No Defendant has filed an Answer in this matter, and the parties have not
5 been in communication since the Complaint was filed.

6 4. On February 18, 2009, the Plaintiff filed a Request for Entry of Default by
7 the Clerk against Defendants. The Clerk of the Court has not yet acted on this Request.

8 5. The Plaintiff intends to file a Motion for Default Judgment with this Court
9 upon the Clerk's Entry of Default.

10 6. By Order issued on November 7, 2008, the Court established a deadline of
11 May 11, 2009, for the filing of ADR-related documents and May 22, 2009, for the filing of
12 the Rule 26(f) report, completion of initial disclosures, and filing of the Case Management
13 Statement. In the same Order, June 1, 2009, was also set as the date for the Initial Case
14 Management Conference.

15 7. The establishment of these deadlines presupposes that the Defendants have
16 filed their Answers to the Complaint and that Plaintiff and Defendants have had sufficient
17 time to engage in discussions, conduct a Rule 26(f) conference, discuss ADR options, and
18 prepare the required Rule 26(f) Report and Joint Case Management Statement.

19 8. As the Defendants have not answered or otherwise appeared in this action,
20 and given that Plaintiff's Request for Entry of Default is currently pending before the Clerk
21 of this Court, the Plaintiff respectfully requests this Court reset the earliest Case Schedule
22 dates to November 2009, or anytime thereafter.

1 WHEREFORE, Plaintiff respectfully requests the Court reset the earliest Case
2 Schedule dates to November 2009, or thereafter.

3
4 Respectfully submitted,

5 CAROL A. DE DEO
6 Deputy Solicitor of Labor for
7 National Operations

8 LAWRENCE BREWSTER
9 Regional Solicitor

10 DANIELLE JABERG
11 Counsel for ERISA

12 By: /s/ Mary K. Alejandro
13 MARY K. ALEJANDRO
14 Deputy Regional Solicitor
15 (415) 625-7760

16 Attorneys for the Plaintiff

17 *** ORDER ***

18 In light of Plaintiff's representation, the Court VACATES all ADR deadlines and
19 continues the Case Management Conference currently set for June 1, 2009 to **September
20 21, 2009 at 10 a.m.**

21 Dated: April 28, 2009

22 
23 JAMES WARE
24 United States District Judge